Successful Programs

ONR Symposium on Intellectual Property and the University-Industry Partnership

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About the Research Collaboration Initiative

Objectives

- Foster greater numbers of more effective university-industry research collaborations
- Bridge gap between CEO's and their collaboration practitioners
- "How-to" manual for participants on both sides
- Public policy recommendations where appropriate

Rationale/Approach

- Practitioners have an extensive body of knowledge of what works
- New pressures have raised increasingly sophisticated problems
- New problems cut to core of institutional goals and missions
- Issues fresh enough that participants do not have hardened positions
- Build on favorable environment for collaborations to construct sustainable consensus principles
- Document best practices by drawing upon case study examples

Research Tracks

RCI will focus on six research tracks:

- X Background Intellectual Property
- X Research Tools
- X Conflict of Interest/Conflict of Commitment
- X Making Collaborations a Core Competency
- X Role of University Research in the Growth of Entrepreneurial Firms
- X Importance of Networking and Relationships

Results To Date

No Magic Bullets

Reminders

Bayh-Dole gives IP ownership of federally-funded research to universities

- Goal is to provide incentive for technology transfer
- Presumes federal government has no substantive need for ownership; effectively waives federal government's interest in income
- Possible implications for agency-sponsored research in mission areas

"IP" is in danger of becoming a bumper sticker

- Is "the biggest barrier" to collaborations
- Has many, many different variations, permutations, and implications
- Conferences like this essential to working out problems, but will take longer than a day and a half to sort out

Background Intellectual Property

Companies want universities to assure project IP will be unencumbered

- X Must know enough about end use to know where to look for conflicts
- X Usually a manageable problem with the researcher's own prior work
- X Universities not able to search across departments and other faculty
- X Necessary background vs. defensive background
- X Potential loss of income
- X Definition of "adequate effort"

Remedies when have problem with unexpectedly encumbered IP

- X Company to company: cross-license or go to court
- X Company to university: generally don't cross-license; with public university can't go to court
- X Universities usually won't include background IP assurances in contract: leaves an uncertainty gulf
- X So far, only a theoretical problem

Research Tools

Essentially, research that can be both product and base for future research

- Lots of players patenting lots of areas
- Increases complexity and cost to navigate IP labrynth
- Concern for slowing of research led NIH to issue guidelines

Potential effects of pressure to not patent research tools

- Balkanization of private and federal funded tool research
- Step on air-hose of small biotechnology companies
- Were these companies and their patents vital to tool development?

Finding common ground

- NIH interested in having their guidelines as widely accepted as possible
- Killing research tool development companies is not the goal
- Need to lower the rhetoric and come to common understandings
- Opportunity for a research tool forum?

RESEARCH COLLABORATION INITIATIVE

Rationale:

After many years of experience with university-industry research collaborations, practitioners have developed an extensive body of knowledge about how to make them work successfully. At the same time, that success, as well as the growing expense and complexity of the research process itself and burgeoning emphasis on its regional economic development benefits, has led experienced practitioners to face increasingly sophisticated problems. These problems often raise issues that can cut to the core of the mission and strategic goals of the university and industry participants. Their causes and implications and the effects of changing business realities and heightened economic development expectations are becoming clearer, but they are still fresh enough that in most cases the participants do not already have hardened positions. The environment for collaborations is also generally very favorable. Both these factors allow participants to be flexible in arriving at mutually acceptable solutions, and these solutions can form a foundation upon which sustainable consensus principles can be formulated.

Objectives:

The ultimate goal of the RCI is to foster greater numbers of more effective university-industry research collaborations. As the complexity and significance of collaboration issues rise, university and industry Presidents will become more involved in setting collaboration policies. The RCI will develop guiding principles that can help bridge the gap between Chief Executive Officers and their collaboration practitioners, both within research universities and research-intensive companies. It will address some of the more important issues facing current collaborators because that's where most of the pressing needs are, and then use the knowledge gained about navigating the process as a "how-to" manual for inexperienced participants on both the university and industry sides. The RCI will also make public policy recommendations where appropriate to protect and improve the environment for university-industry research collaborations.

Approach:

The RCI will document best practices for conducting university-industry research collaborations. It will also draw heavily upon case study examples, describing in detail the environmental factors and industry sector differences that allowed certain experienced practitioners to overcome various collaboration barriers. To accomplish this task and to be more effective in its analysis and recommendations, the Forum will focus its efforts and establish research teams in the following six key areas:

- Background intellectual property (ensuring adequate intellectual property protection by universities and their researchers so companies can confidently commercialize the results of their research)
- Research tools (balancing the desire of some companies and universities to limit access to research that is a fundamental building block for product development by other companies)
- Conflict of interest/conflict of commitment (divided loyalties of researchers and the potential effects upon institutional policies and student education)
- Making collaborations a core competency (working with outsiders whom you do not control to inform without overwhelming your research agenda; team building)
- The role of university research in the growth of small and medium-sized entrepreneurial companies

- The importance of networking and relationships and the role of new information technologies in the introduction of potential research partners.

Output:

The Forum plans to complete the RCI and issue an actionable report in the summer of 2000.